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DEPT. OF TRANSPORTATION

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Aspen, August 28th, 2001

Mr. Ken Weinstein
N.H.T.S.A
Docket Management Room PL-401
400 Seventh St., SW
Washington, D.C 20590

Ms. Marilyn Jacobs
Director of the Office of Vehicle Safety Compliance
N.H.T.S.A
Docket Management Room PL-401
400 Seventh St., SW
Washington, D.C 20590

Re: Docket Number: NHTSA 2001-9628-12

Letter in support of the JKT Petition

I write to you as a very concerned U.S taxpayer supporting the petition filed by J.K Technologies docket No. NHTSA 2001-9628-1

I am the owner of a 2001 Ferrari 360 Spider that is awaiting to be converted to meet the specifications of the D.O.T and E.P.A. I purchased the vehicle in Europe myself for the very simple reason that the car was not available to me to order in the U.S (4 years waiting list) and/or the official local Ferrari dealership offered to find me one for \$325,000!! That is close to double the list price! What choice did I have?

I am very concerned with the delays regarding the approval of the above referenced petition for the reasons stated below:

1/ The department of the National Highway Traffic Safety Administration is responsible to make sure that vehicles traveling on public roads in the U.S.A are safe. Your department should not be involved in spending taxpayers' funds to protect the economic well-being of a car distributor.

2/ Your department approved an extension to F.N.A to file it's objections to the petition filed by JKT well after the comment period was closed. Why have a comment period with a deadline at all if deadlines do not get enforced?

3/F.N.A based their first request for extension dated June 29th, 2001 on the holiday schedules of Ferrari SPA and F.N.A. Vacation schedules should not be valid reasons for granting an extension. This country would not function if deadlines were subject to "holiday schedules"

4/Notwithstanding that the extension was granted until August 10th, 2001, F.N.A has now again requested another extension until September 28th, 2001 thru their letter dated August 9th, 2001. Among their contentions, they mention that they did not have enough time to gather the necessary information. They were granted close to six weeks extension by your department! I strongly oppose their request for another extension and sincerely hope that you will deny their request for the following reasons:

- Their request to obtain VIN numbers is totally unrelated to the issue at stake. All Ferrari 360's with the exception of the "Challenge cars" are manufactured on the same assembly line. The differences between the European models and U.S cars is minimal. It is my belief that F.N.A is asking for the VIN numbers so that they may track the cars back to the dealers in Europe that delivered the cars in order to subject them to possible penalties. This is not a question relating to safety for the American public.

- The issue of cost of parts needed for conversion is again totally unrelated to the issue at stake. The N.H.T.S.A should not be concerned whether the cost of bringing a vehicle into compliance is \$100 or \$100,000. The decision whether to pay for the conversion costs should be up to the individual considering importing the vehicle. The issue is whether the vehicle can be brought into compliance and the clear answer is YES. There are very minor differences between the 2000 model and the 2001 model coupes. F.N.A did not oppose to the petition for the 2000 360's. Also, please understand that to my knowledge there are no 2000 model 360 Spider's. Ferrari SPA only produced a handful of 2000 spiders that were used as prototypes and were presented in Monaco. These cars were then ultimately sold. However, every production 360 spider that has been sold either in the U.S or Europe is a 2001 model.

In Europe the year/model issue is different from the U.S. Typically, new model years become available as of September of the previous year. In this instance, the 2001 spiders were delivered in Europe in the Fall of 2000 (registered in 2000 but 2001 models). Some of these cars were imported into the U.S and were converted under the petition for the 2000 model because they had European registration showing a 2000 registration date. Every 360 spider with the exception of the few prototypes are 2001 models! There are no differences between a car that was delivered in September 2000 from a car that was delivered in June of 2001. Why are the cars delivered in 2000 (but 2001 models) capable of being converted and the other ones not?

- As stated in other correspondence associated with this docket number, the parts needed to convert the vehicle are available from the various manufacturers of the parts and therefore do not need to be purchased from Ferrari directly. Therefore the allegations made by F.N.A are false.

- The N.H.T.S.A should not be concerned with the holiday closing of Ferrari SPA. If F.N.A takes it upon themselves to oppose the petition as if they were the manufacturer, they should also be able to act and respond as such with respect to issues at stake. Please note that at no time was there ever an objection to the

petition from the manufacturer Ferrari SPA. They have chosen not to get involved for obvious reasons.

5/F.N.A is attempting to inflate the issues at stake. Many of the issues raised by F.N.A in their letter of opposition dated August 10th, 2001 refer to matters related to E.P.A. They also bring into question the issue of CAFE as well as Luxury Taxes. All of these matters are unrelated to the issue at stake i.e Can the Ferrari 360 be converted to meet DOT specs?

6/I will not attempt to address the technical related aspects of the petition as I believe that J.K Technologies has done an excellent job at addressing these. In my opinion, the objection from F.N.A is not based on safety issues nor any other issues that concern the NHTSA or the safety of the American public. Their objection is strictly based on economic issues. They are attempting to control the market in the U.S.A for Ferrari, which is understandable. There are many ways of achieving that goal. I strongly disagree with their attempt of manipulating a governmental agency for purposes of achieving their goal. Your office should be concerned with the simple issue at stake; Can the European model Ferrari 360 be converted to meet U.S DOT specs?

Helping F.N.A achieve a monopoly would be contrary to all principals that this country is founded upon. I hereby request that the petition filed by J.K Technologies be immediately approved.

Sincerely,



A.Degraeve